

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Gordon

February 27, 2015

An act to amend, repeal, and add Section 12801.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1465, as amended, Gordon. Driver's licenses.

Existing law requires the Department of Motor Vehicles to issue driver's licenses to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver's license or identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

This bill would also require, beginning July 1, 2016, an applicant for an original driver's license or identification card to submit satisfactory proof of California residency, and would prohibit the department from issuing an original driver's license or identification card to a person who does not submit satisfactory proof of California residency. The bill would require the department to adopt regulations relating to the procedures for verifying that the applicant is a California resident.

~~Existing law, the federal REAL ID Act of 2005 requires, among other things, that in order for a state's driver's licenses and identification cards to be accepted for official purposes, including boarding a commercial aircraft, the state is required to comply with specified provisions, including that the state require, prior to issuance of driver's~~

~~licenses or identification cards, valid documentary evidence of lawful presence in the country.~~

~~This bill would state the intent of the Legislature to enact legislation that requires the Department of Motor Vehicles to initiate any statutory or regulatory changes, to the extent that they are necessary, to satisfy the requirements of the Real ID Act of 2005.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12801.5 of the Vehicle Code, as added
2 by Section 13 of Chapter 524 of the Statutes of 2013, is amended
3 to read:

4 12801.5. (a) Except as provided in Section 12801.9, the
5 department shall require an applicant for an original driver's license
6 or identification card to submit satisfactory proof that the
7 applicant's presence in the United States is authorized under federal
8 law.

9 (b) Except as provided in Section 12801.9, the department shall
10 not issue an original driver's license or identification card to a
11 person who does not submit satisfactory proof that the applicant's
12 presence in the United States is authorized under federal law.

13 (c) The department shall adopt regulations to carry out the
14 purposes of this section, including, but not limited to, procedures
15 for (1) verifying that the applicant's presence in the United States
16 is authorized under federal law, (2) issuance of a temporary license
17 pending verification of the applicant's status, and (3) hearings to
18 appeal a denial of a license, temporary license, or identification
19 card.

20 (d) On January 10 of each year, the department shall submit a
21 supplemental budget report to the Governor and the Legislature
22 detailing the costs of verifying the citizenship or legal residency
23 of applicants for driver's licenses and identification cards, in order
24 for the state to request reimbursement from the federal government.

25 (e) Notwithstanding Section 40300 or any other law, a peace
26 officer shall not detain or arrest a person solely on the belief that
27 the person is an unlicensed driver, unless the officer has reasonable
28 cause to believe the person driving is under 16 years of age.

(f) The inability of an individual to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

(g) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(h) This section shall become inoperative on *July 1, 2016, or the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. reason, whichever is sooner, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.* The department shall post ~~this~~ information relating to a final judicial determination on its Internet Web site.

SEC. 2. Section 12801.5 is added to the Vehicle Code, to read:

12801.5. (a) Except as provided in Section 12801.9, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof of California residency and that the applicant's presence in the United States is authorized under federal law.

(b) Except as provided in Section 12801.9, the department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(c) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof of California residency.

(d) The department shall adopt regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) verifying that the applicant is a California resident and that his or her presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) hearings to appeal a denial of a license, temporary license, or identification card.

1 (e) On January 10 of each year, the department shall submit a
2 supplemental budget report to the Governor and the Legislature
3 detailing the costs of verifying the citizenship or legal residency
4 of applicants for driver's licenses and identification cards, in order
5 for the state to request reimbursement from the federal government.

6 (f) Notwithstanding Section 40300 or any other law, a peace
7 officer shall not detain or arrest a person solely on the belief that
8 the person is an unlicensed driver, unless the officer has reasonable
9 cause to believe the person driving is under 16 years of age.

10 (g) The inability of an individual to obtain a driver's license
11 pursuant to this section does not abrogate or diminish in any
12 respect the legal requirement of every driver in this state to obey
13 the motor vehicle laws of this state, including laws with respect
14 to licensing, motor vehicle registration, and financial
15 responsibility.

16 (h) This section shall become operative on July 1, 2016.

17 (i) This section shall become inoperative on the effective date
18 of a final judicial determination made by any court of appellate
19 jurisdiction that any provision of the act that added this section,
20 or its application, either in whole or in part, is enjoined, found
21 unconstitutional, or held invalid for any reason. The department
22 shall post this information on its Internet Web site.

23 SEC. 3. Section 12801.5 of the Vehicle Code, as added by
24 Section 14 of Chapter 524 of the Statutes of 2013, is amended to
25 read:

26 12801.5. (a) Notwithstanding any other law, the department
27 shall require an applicant for an original driver's license or
28 identification card to submit satisfactory proof that the applicant's
29 presence in the United States is authorized under federal law.

30 (b) The department shall not issue an original driver's license
31 or identification card to a person who does not submit satisfactory
32 proof that the applicant's presence in the United States is authorized
33 under federal law.

34 (c) The department shall adopt regulations to carry out the
35 purposes of this section, including, but not limited to, procedures
36 for (1) verifying that the applicant's presence in the United States
37 is authorized under federal law, (2) issuance of a temporary license
38 pending verification of the applicant's status, and (3) hearings to
39 appeal a denial of a license, temporary license, or identification
40 card.

(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(e) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

(f) The inability of an individual to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

(g) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

(h) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 12801.5 is added to the Vehicle Code, to read:

12801.5. (a) Notwithstanding any other law, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof of California residency and that the applicant's presence in the United States is authorized under federal law.

(b) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(c) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof of California residency.

(d) The department shall adopt regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) verifying that the applicant is a California resident and

1 *that his or her presence in the United States is authorized under*
2 *federal law, (2) issuance of a temporary license pending*
3 *verification of the applicant's status, and (3) hearings to appeal*
4 *a denial of a license, temporary license, or identification card.*

5 *(e) On January 10 of each year, the department shall submit a*
6 *supplemental budget report to the Governor and the Legislature*
7 *detailing the costs of verifying the citizenship or legal residency*
8 *of applicants for driver's licenses and identification cards, in order*
9 *for the state to request reimbursement from the federal government.*

10 *(f) Notwithstanding Section 40300 or any other law, a peace*
11 *officer shall not detain or arrest a person solely on the belief that*
12 *the person is an unlicensed driver, unless the officer has reasonable*
13 *cause to believe the person driving is under 16 years of age.*

14 *(g) The inability of an individual to obtain a driver's license*
15 *pursuant to this section does not abrogate or diminish in any*
16 *respect the legal requirement of every driver in this state to obey*
17 *the motor vehicle laws of this state, including laws with respect*
18 *to licensing, motor vehicle registration, and financial*
19 *responsibility.*

20 *(h) This section shall become operative on the effective date of*
21 *a final judicial determination made by any court of appellate*
22 *jurisdiction that any provision of the act that added this section,*
23 *or its application, either in whole or in part, is enjoined, found*
24 *unconstitutional, or held invalid for any reason. The department*
25 *shall post this information on its Internet Web site.*

26 ~~SECTION 1. It is the intent of the Legislature to enact~~
27 ~~legislation that requires the Department of Motor Vehicles to~~
28 ~~initiate any statutory or regulatory changes, to the extent that they~~
29 ~~are necessary, to satisfy the requirements of the Real ID Act of~~
30 ~~2005 (Public Law 109-13).~~